

REMARKS

Favorable consideration of this application is respectfully requested in view of the foregoing amendment and the following remarks. Claims 1-19 are pending in the application. Claims 16 and 17 were withdrawn from further consideration pursuant to 37 §1.142(b), as being drawn to a non-elected invention. Accordingly, claims 16 and 17 have been cancelled without prejudice. Claims 1-15, 18 and 19 have been rejected. Claims 1 and 7 have been amended and Claim 6 has been cancelled without prejudice. Enclosed with this amendment is a supplemental IDS.

The Examiner has indicated that a drawing must be submitted because the subject matter of the application admits of a drawing. In reviewing the specification, Applicant has not found any admission of a drawing. Accordingly, Applicant respectfully requests the Examiner to withdraw this requirement.

Claims 1, 3, 18 and 19 have been rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent 6,297,228 (Clark). Applicant respectfully traverses the rejection and submits that Clark does not anticipate amended independent Claim 1.

Clark describes a method for preventing ocular neovascularization using photodynamic therapy (PDT) in combination with particular angiostatic steroids. Clark, however, does not describe use of PDT in combination with the specific angiogenic agents: inhibitors of protein kinase C, antagonists of growth hormone, antagonists of IGF-1, antagonists of vascular endothelial growth factor, inhibitors of cyclooxygenase II, antagonists of angiotensin II, antagonists of NF-kappa B, and phospholipase A2 antagonists, as recited in amended independent claim 1. Since Clark does not identically describe each feature of amended Claim 1, Clark does not anticipate amended Claim 1.

In view of the above, withdrawal of the rejection of Claims 1, 3, 18 and 19 under 35 U.S.C. §102(e) is respectfully requested.

Claims 1, 4, 6, 7, 8, and 14 have been rejected under 35 U.S.C. §102(a) as being anticipated by Dimitroff et al. It is noted that the features of Claim 6 have been incorporated into Claim 1, and thus Claim 6 has been cancelled without prejudice and Claim 7 has been amended to depend from Claim 1. Accordingly, this rejection applies to Claims 1, 4, 7, 8 and 14. Applicant respectfully traverses this rejection and submits that Dimitroff et al. does not anticipate Claims 1, 4, 7, 8 and 14.

Dimitroff et al. describe studies in mice which assess the anti-tumor efficacy of PDT in combination with the specific receptor kinase inhibitors, PD166285 and PD 173074. Dimitroff et al., however, fail to indicate that such a therapeutic combination is useful to treat unwanted ocular neovascularization as is recited in amended independent Claim 1. Since Dimitroff et al.

fail to identically describe all of the features of amended independent Claim 1, Dimitroff et al. do not anticipate Claim 1.

In view of the above, withdrawal of the rejection of Claims 1, 4, 7, 8 and 14 under 35 U.S.C. §102(a) is respectfully requested.

Claims 2, 4, 5 and 13-15 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Clark. Applicant respectfully traverses this rejection and submits that Clark does not render obvious Claims 2, 4, 5 and 13-15.

Clark teaches use of PDT in combination with particular angiostatic steroids, however, Clark does not teach or specifically suggest any of the angiogenic agents recited in amended independent Claim 1, and thus does not render obvious Claims 2, 4, 5 and 13-15 which depend from amended Claim 1.

In view of the above, withdrawal of the rejection of Claims 2, 4, 5 and 13-15 under 35 U.S.C. §103(a) is respectfully requested.

Claims 6-9 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Clark in view of U.S. Patent 6,271,233 (Brazzell et al.'233). As stated above, the features of Claim 6 have been incorporated into Claim 1, and thus Claim 6 has been cancelled without prejudice and Claim 7 has been amended to depend from Claim 1. Accordingly, this rejection applies to Claims 7-9. Applicant respectfully traverses this rejection and submits that the combination of Clark/Brazzell et al.'233 does not make obvious Claims 7-9.

As stated above, Clark does not teach or specifically suggest the anti-angiogenic agents recited in amended independent Claim 1, which Claims 6-9 depend therefrom. Brazzell et al. '233 qualifies as prior art under section §102(e) and is assigned to CIBA Vision Corporation, which is a wholly owned subsidiary of Novartis AG, which, in turn, is the assignee of the present application. Since Brazzell et al.'233 and the present invention were commonly owned at the time the present invention was made, the Brazzell et al.'233 patent can be eliminated as prior art for obviousness under 35 U.S.C. §103(c).

In view of the above, withdrawal of the rejection of Claims 7-9 under 35 U.S.C. §103(a) is respectfully requested.

Claim 10 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Clark in view of Brazzell et al. '233, and further in view of U.S. Patent 6,214,819 (Brazzell et al.'819). Applicant respectfully traverses this rejection and submits that the combination of references does not make obvious Claim 10.

The arguments proffered to address the rejection of Claim 7-9 as being unpatentable over the combination of Clark/ Brazzell et al.'233 patent are reiterated to address the rejection of Claim 10. With respect to Brazzell et al.'819, this reference also qualifies as prior art under

35 U.S.C. §102(e). Brazzell et al.'819 and the present invention, were at the time the present invention was made, owned by the same entity, Novartis AG. Accordingly, Brazzell et al. can be eliminated as prior art for obviousness under 35 U.S.C. §103(c). In view of the above, withdrawal of the rejection of Claim 10 under 35 U.S.C. §103(a) is respectfully requested.

Claims 11 and 12 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Clark in view of U.S. Patent 5,770,619 (Richter et al.) Applicant respectfully traverses this rejection and submits that the combination of Clark/Richter et al. does not make obvious Claims 11 and 12.

As stated above, Clark et al. does not teach or specifically suggest use of the anti-angiogenic agents recited in amended independent Claim 1, which Claims 11 and 12 depend therefrom. While, Richter et al. teach use of PDT therapy, there is no teaching or specific suggestion in Richter et al. of utilizing PDT therapy in combination with any of the anti-angiogenic agents recited in amended independent Claim 1. Accordingly, Richter et al. does not remedy the deficiencies present in Clark. Accordingly, the combination of Clark/Richter et al. does not make obvious Claims 11 and 12.

In view of the above, withdrawal of the rejection of Claims 11 and 12 under 35 U.S.C. §103(a) is respectfully requested.

Claim 9 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Dimitroff et al. in view of Brazzell et al. '233. Applicant respectfully traverses this rejection and submits that the combination of Dimitroff et al./Brazzell et al. '233 does not make obvious Claim 9.

While Dimitroff et al. describe studies in mice which assess the anti-tumor efficacy of PDT in combination with the specific receptor kinase inhibitors, PD166285 and PD 173074, this reference fails to teach or specifically suggest that such a therapeutic combination could be used to treat unwanted ocular neovasculation as is recited in amended independent Claim 1, which Claim 9 depends therefrom. As stated above, Brazzell et al.'233 can be eliminated as prior art under 35 U.S.C. §103(c). Accordingly, the rejection of Claim 9 as being unpatentable over the combination of Dimitroff et al./Brazzell et al.'233 patent cannot stand.

In view of the above, withdrawal of the rejection of Claim 9 under 35 U.S.C. §103(a) is respectfully requested.

Claim 10 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Dimitroff et al. in view of Brazzell et al.'233 and Brazzell et al.'819. Applicant respectfully traverses this rejection and submits that Claim 10 is not rendered obvious by the combination of Dimitroff et al./Brazzell et al.'233/Brazzell et al. '819.

As stated above, Dimitroff et al. describe studies in mice which assess the anti-tumor efficacy of PDT in combination with the specific receptor kinase inhibitors, PD166285 and PD

173074. Dimitroff et al., however, fail to teach or specifically suggest that such a therapeutic combination is useful to treat unwanted ocular neovascularization as is recited in amended independent Claim 1, which Claim 10 depends therefrom. With respect to the Brazzell et al. '233 and '819 patents, these references can be eliminated as prior art for obviousness under 35 U.S.C. §103(c). Accordingly, the rejection of Claim 10 over the combination of Dimitroff et al./Brazzell et al.'233/Brazzell et al.'819 cannot stand.

In view of the above, withdrawal of the rejection of Claim 10 under 35 U.S.C. §103(a) is respectfully requested.

Claims 11 and 12 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Dimitroff et al. in view of Richter et al. Applicant respectfully traverses this rejection and submits that the combination of Dimitroff et al./Richter et al. does not make obvious Claims 11 and 12.

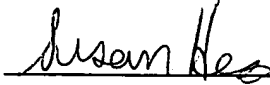
Dimitroff et al. describe studies which assess in mice the anti-tumor efficacy of PDT in combination with the specific receptor kinase inhibitors, PD166285 and PD 173074. Dimitroff et al., however, do not teach or specifically suggest that such a therapeutic combination can be used to treat unwanted ocular neovascularization as set forth in amended independent Claim 1. While Richter et al. teach that the photosensitive agent can be porphyrin and purpurin, there is no teaching or specific suggestion in Richter et al. of utilizing PDT in combination with anti-angiogenic agents to treat unwanted ocular neovascularization as is set forth in amended Claim 1. Thus, Richter et al. does not remedy the deficiency present in Dimitroff. Accordingly, the combination of Dimitroff et al./Richter et al. does not make obvious Claims 11 and 12.

In view of the above, withdrawal of the rejection of Claims 11 and 12 under 35 U.S.C. §103(a) is respectfully requested.

A good faith effort has been made to place the present application in condition for allowance. If the Examiner believes a telephone conference would be of value, she is requested to call the undersigned at the number listed below.

Respectfully submitted,

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